

CHARTER
OF THE
Town of Bel Air
HARFORD COUNTY, MARYLAND

*As Enacted By Resolution No. 102-97
Effective November 25, 1997*

(Printed November 2008)

The Department of Legislative Services
General Assembly of Maryland
prepared this document.

For further information concerning this document contact:

Library and Information Services
Office of Policy Analysis
Department of Legislative Services
90 State Circle
Annapolis, Maryland 21401

Baltimore Area: (410-946-5400) Washington Area: (301-970-5400)

Other Areas: (1-800-492-7122)

TTY: (410-946-5401) (301-970-5401)

TTY users may also contact the
Maryland Relay Service to contact the General Assembly

E-mail: libr@mlis.state.md.us

Home Page: <http://mlis.state.md.us>

The Department of Legislative Services does not discriminate on the basis of race, color, national origin, sex, religion, or disability in the admission or access to its programs or activities. The Department's Information Officer has been designated to coordinate compliance with the nondiscrimination requirements contained in Section 35.107 of the Department of Justice Regulations. Requests for assistance should be directed to the Information Officer at Library and Information Services of the Department of Legislative Services.

CONTENTS

ARTICLE I General Corporate Powers

Section

101. General Corporate Powers.

ARTICLE II Corporate Boundaries

201. Boundaries.

ARTICLE III The Board of Commissioners

301. Number, Section [Selection], Term.
302. Qualifications of Commissioners.
303. Salary and Benefits of Commissioners.
304. Meetings of the Board of Commissioners.
305. Quorum.
306. Procedure of Board.
307. Vacancies on the Board.
308. Ordinances and Resolutions; Method of Passage of Ordinances and Ordinance Referendum.
309. Files of Ordinances.
310. Charter Amendments, Form, How Passed, Referendum, Effective Date.

ARTICLE IV General Powers

401. General Powers.

ARTICLE V Registration, Nominations and Elections

501. Voters.
502. Elections and Referendums.
503. Board of Election Judges.
504. Referendum.

ARTICLE VI

Town Administrator

- 601. Position Created, Appointment, Removal and Compensation.
- 602. Duties and Responsibilities of Town Administrator.

ARTICLE VII

Budget

- 701. Fiscal Year.
- 702. The Budget.
- 703. Appropriations Required.
- 704. Transfers.
- 705. Excess Expenditures.
- 706. Lapsed Appropriations.

ARTICLE VIII

Taxation

- 801. Taxes.
- 802. Notice of Tax Levy.
- 803. Date of Payment and Overdue Payment of Taxes.
- 804. Report of Tax Collections.
- 805. Sale of Tax Delinquent Property.
- 806. Tax Credit for Bel Air Volunteer Fire Company, Inc. Members.

ARTICLE IX

Personnel

- 901. Departments of the Town.
- 902. Town Attorney.
- 903. Retirement System.
- 904. Compensation of Employees.
- 905. Employee Benefit Programs.
- 906. Merit System.

ARTICLE X

General Provisions

- 1001. Official Bonds.
- 1002. Liability for Damages, Written Notice Required.
- 1003. Prior Rights and Obligations.
- 1004. Enforcement and Penalties.
- 1005. Effect of Charter on Existing Ordinances.

APPENDIX I
Urban Renewal Authority For Slum Clearance

- A1-101. Definitions.
- A1-102. Powers.
- A1-103. Establishment of Urban Renewal Agency.
- A1-104. Initiation of Project.
- A1-105. Preparation and Approval of Plan for Urban Renewal Project.
- A1-106. Disposal of Property in Urban Renewal Area.
- A1-107. Eminent Domain.
- A1-108. Encouragement of Private Enterprise.
- A1-109. General Obligation Bonds.
- A1-110. Revenue Bonds.
- A1-111. Separability.
- A1-112. Short Title.
- A1-113. Authority to Amend or Repeal.

BEL AIR

ARTICLE I General Corporate Powers

Section 101. General Corporate Powers.

The inhabitants of the Town of Bel Air within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of the “Town of Bel Air,” with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated.

ARTICLE II Corporate Boundaries

Section 201. Boundaries.

The Town boundaries shall be as they existed immediately prior to the effective date of this section, subject to all rights, reservations, limitations, and conditions as may be set forth in all prior resolutions of annexation and in the Charter of the Town in effect immediately prior to the effective date of this section, and as they may be hereafter amended as provided by law. A description of the corporate boundaries shall be maintained on file by the Director of Administration. There shall be an official survey map of the Town boundaries approved by the Commissioners of Bel Air and in the custody of the Director of Public Works. (Res. No. 103–99, 9–30–99; Res. No. 104–99, 10–22–99.)

ARTICLE III The Board of Commissioners

Section 301. Number, Section [Selection], Term.

All legislative powers of the Town shall be vested in a Board of Commissioners consisting of five (5) Commissioners. The registered voters of the Town shall vote in an election for three (3) Commissioners on the first Tuesday after the first Monday in November, 1999, and for two (2) or three (3) Commissioners, as the case may be, as hereafter provided, every two (2) years thereafter. The terms of office of all Commissioners shall be for four (4) years and shall begin on the first regularly scheduled Town meeting after election in November in the year of their election and shall end when their successors are elected and qualified. Commissioners whose terms shall expire April 1999 shall continue in office until the election of November 1999 and their terms shall end when their successors are elected and qualified.

Section 302. Qualifications of Commissioners.

Commissioners shall have resided in the Town for at least six (6) months immediately preceding their election and shall be registered voters of the Town.

Section 303. Salary and Benefits of Commissioners.

a. The Commissioners shall be eligible to receive an annual salary and benefits which shall be specified from time to time by ordinance passed by the Board of Commissioners at a public meeting. The Chair of the Board may receive an annual salary higher than the other Commissioners.

b. The salaries or compensation specified for the Chair of the Board or the Commissioners shall not be changed during the period for which that Chair or that Commissioner was elected. The ordinance making any change in the salary paid to the Chair or any Commissioner, either by way of increase or decrease, shall be finally enacted prior to the next scheduled election for Commissioners and shall only apply to the Commissioners elected or re-elected.

Section 304. Meetings of the Board of Commissioners.

The Board of Commissioners shall meet at some convenient place in the Town of Bel Air at least once a month or as often as is necessary to properly discharge the duties of their office.

Section 305. Quorum.

A majority of Commissioners shall constitute a quorum for the transaction of business, but no ordinance shall be approved without the favorable votes of a majority of the Board of Commissioners.

Section 306. Procedure of Board.

The Board of Commissioners shall determine its own rules and order of business. It shall keep minutes of its regularly scheduled proceedings and enter therein the results of the votes taken upon each action, question, resolution, or ordinance, or at any other time if required by any one member. The minutes shall be open to public inspection.

Section 307. Vacancies on the Board.

(a) When there is a tie vote in an election for the Office of Commissioner, resulting in a vacancy on the Board, Commissioners duly elected to serve on the Board newly constituted after the election, shall call a special run off election between the tied candidates to be held as soon as practicable after the election producing the tie, in accordance with procedures required under State and local laws. The Commissioner elected in the run off election shall serve the remainder of the four-year term attributable to the vacant office to which he/she is elected. This provision shall apply to all elections held after November 1, 2003.

(b) When there shall be fewer than three Commissioners in office, the Commissioners than [then] serving shall call a special election for the purpose of filling the vacancies in the Office of Commissioner. In all cases, other than those involving a run off or a special election, in the event of a vacancy on the Board of Commissioners, the Commissioners, by three favorable votes shall appoint some person qualified under Section 302, to serve as Commissioner. Any person duly appointed by three favorable votes of the Commissioners to fill a vacancy or elected in a special election where there were fewer than three Commissioners in office, shall serve until the next regular election for Commissioner.

Section 308. Ordinances and Resolutions; Method of Passage of Ordinances and Ordinance Referendum.

a. *Definitions:*

1. *Resolution* – a law, a municipal regulation, a formal expression of opinion, will or intent adopted by vote of the Board of Commissioners.

2. *Ordinance* – a law adopted by the Board of Commissioners after advertisement and public hearing as hereafter set forth in this section.

b. *Ordinances and Resolutions; How Passed.*

1. In order to enable the Board of Commissioners to fully exercise the power conferred upon it by this Charter and to enable it to better promote and preserve the public health, safety, and welfare, the Board of Commissioners may pass all ordinances and resolutions that are from time to time necessary; and to insure the observance of such ordinance, they may affix thereto such penalties as are hereinafter provided in this Charter.

2. An ordinance may be introduced by any Commissioner. No ordinance shall be passed at the meeting at which it is introduced. Within twenty-four hours following the introduction of an ordinance, the Chairman of the Board of Commissioners or the Town Administrator shall schedule a public hearing on such ordinance, which shall not be less than five nor more than thirty days after publication of the hearing notice.

3. Upon the introduction of an ordinance, a copy shall be posted on an official board at or near the entrance to the Town Hall. Additional copies of a proposed ordinance shall be available to the public upon request and upon payment of reasonable reproduction costs. Public notice of the hearing on an ordinance, including a summary of the contents of the proposed ordinance shall be published in a newspaper of general circulation in the Town of Bel Air. The public hearing on an ordinance need not be held on the day of a regularly scheduled meeting.

4. At any regular or special public meeting of the Board of Commissioners of Bel Air held not less than six or more than sixty days after the meeting at which an ordinance was introduced it shall be passed, or passed as amended, or rejected; provided that no ordinance

shall be adopted except by a ye and nay vote and the names of Commissioners voting for and against the same shall be entered in the minutes. An ordinance shall become effective on the twenty-first (21st) day after passage unless petitioned to referendum.

5. In the case of any stated emergency the provision that an ordinance may not be passed at the meeting at which it is introduced may be suspended by the affirmative vote of four Commissioners. An emergency ordinance shall become effective upon the date of its passage.

c. *Referendum.*

A newly enacted ordinance may be subjected to referendum in accordance with the provisions of Section 504 of this Charter.

Section 309. Files of Ordinances.

Ordinances shall be permanently filed in the office of the Town Administrator and shall be made available for public inspection.

Section 310. Charter Amendments, Form, How Passed, Referendum, Effective Date.

a. Any Commissioner may introduce a resolution proposing an amendment to the Charter of the Town of Bel Air.

b. Any resolution proposing an amendment to the Charter shall contain the complete and exact wording of the proposed amendment, prepared so that the section or sections are set forth as they would read when amended or enacted and so that they otherwise comply with the requirements for form set forth in the Public Laws of Maryland. No Charter and no section of the Charter may be revised or amended by reference to its title or section only. No resolution proposing a Charter amendment shall embrace more than one subject and that shall be described by the resolution's title.

c. No resolution proposing a Charter amendment shall be passed at the meeting at which it is introduced. Within twenty-four hours following the introduction of the resolution, the Chairman of the Board of Commissioners or the Town Administrator shall schedule a public hearing on the resolution, which hearing shall be held not less than five days or more than thirty days after publication of the hearing notice. Public notice of the hearing on the resolution, including a summary of the contents of the proposed resolution, shall be published in a newspaper of general circulation in the Town of Bel Air. The public hearing on the proposed resolution may, but need not be, held on the day of a regular scheduled meeting.

d. Upon the introduction of a resolution proposing a Charter amendment, a copy shall be posted on an official board at or near the entrance to the Town Hall. Additional copies of the proposed resolution shall be available to the public upon request and upon payment of reasonable reproduction costs.

e. At any regular or special meeting of the Board of Commissioners held not less than six nor more than sixty days after the meeting at which resolution proposing a Charter amendment was introduced, it shall be passed, or passed as amended or rejected; provided that no resolution proposing a Charter amendment shall be adopted except by a ye and nay vote, and the names of Commissioners voting for and against the same shall be entered in the minutes.

f. For a period of forty-five days following the adoption of a resolution amending the Charter, a complete exact copy of the resolution shall be posted on an official board at or near the entrance to the Town Hall. A fair summary of the resolution shall be published in a newspaper of general circulation in the Town of Bel Air not less than four times at weekly intervals within a period of at least forty-five (45) days after the adoption of the resolution containing the amendments.

g. A resolution containing a Charter amendment shall become and be considered a part of the Charter in all respects to be effective and observed as such, upon the fiftieth day after being passed, unless on or before the fortieth day after being passed, there shall be presented to the Board of Commissioners a petition for referendum meeting the requirements of Section 504 of this Charter.

h. The provisions of Article 23A of the Annotated Code of Maryland which sets forth annexation procedures shall apply to all annexation resolutions and shall supersede provisions for resolutions set forth herein. Decisions on annexation resolutions must be made within ninety (90) days of the final public hearing.

ARTICLE IV

General Powers

Section 401. General Powers.

a. The Board of Commissioners shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or this Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein.

b. The Board of Commissioners shall have, in addition, the power to pass ordinances, not contrary to the Constitution and laws of the State of Maryland, for the following specific purposes:

1. *Administrative.* To create, change, or abolish offices and departments and to assign additional functions to offices and departments, but not including the power to create, change, abolish, or discontinue any office or department or to transfer any function of an office or department established by this Charter.

2. *Advertising.* To provide for advertising for the purposes of the Town, for printing and publishing statements as to the business of the Town.

3. *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches, businesses, and places of amusement, and to regulate the construction and operation of the doors and means of egress therefrom.

4. *Amusements.* To provide in the interest of the public welfare for licensing, regulating, or restraining public amusements.

5. *Appropriations.* To appropriate municipal monies for any purpose within the powers of the Board of Commissioners.

6. *Billboards and Signs.* To regulate, restrain, or prohibit the erection or maintenance of billboards, the placing of signs, bills, and posters of every kind and description on any building, fence, post, billboard, pole, or other place within the Town.

7. *Borrowing:* General Obligation Bonds, Bond Anticipation Notes, Refunding Bonds, Tax Anticipation Notes, Other Evidence of Indebtedness, Manner of Issuance and Sale of Bonds and Other Indebtedness, Debt Limitation, Referendum.

a. *Authority to Borrow.*

In addition to any other borrowing power which the Town may presently have, from whatever source derived, and notwithstanding any other provision or limitation of public general or public local law, the Board of Commissioners shall have the power to borrow money and incur indebtedness, from time to time, for any public purpose and to evidence such borrowing and indebtedness by the issuance and sale of its general obligation bonds, bond anticipation notes, refunding bonds, tax anticipation notes and other evidence of indebtedness as hereafter provided.

b. *Debt Limitation.*

However in issuing general obligation bonds, bond anticipation notes or refunding bonds, the Board of Commissioners shall be further limited as follows:

1. It shall issue no bonds, if, by the issuance thereof, the total bonded indebtedness of the Town, less the amount of sinking funds established for the retirement thereof, would exceed six percent (6%) of the assessed value of all real property in said Town taxable for municipal purposes and,

2. Except as herein provided specifically, the Board shall issue no bonds, no certificate of indebtedness, nor tax anticipation notes nor bond anticipation notes if by the issuance thereof, the total indebtedness of the Town on bonds, certificates of indebtedness, tax anticipation notes and bond anticipation notes shall exceed the annual income

of the Town less all sinking funds and interest requirements on all indebtedness previously incurred, whether bonded or otherwise.

c. *Tax Anticipation Notes (Exception to Debt Limitation).*

The Board of Commissioners may issue notes of indebtedness, bearing interest not to exceed in amount the annual revenue of the Town, less the amount of all sinking funds previously provided for, said notes and interest to be paid only from such revenue and within one year from the date of their issue; and such notes may be issued in pursuance of a resolution duly adopted without submitting the question to a vote of the taxpayers.

d. *Manner of Issuance and Sale of Bonds and Other Indebtedness.*

The Board of Commissioners may issue and sell such general obligation bonds, bond anticipation notes, refunding bonds, tax anticipation notes and other evidence of indebtedness of the Town of Bel Air as may be authorized by this Charter or the laws of Maryland now or hereafter enacted, or both, in any commercially reasonable manner, either by public or private sale, in accordance with such terms as the Board of Commissioners shall, in its discretion, determine by resolution.

e. *Referendum.*

The Board of Commissioners may, in their general discretion, submit the question of the issuance of general obligation bonds to a referendum of the registered voters of the Town at either the next regular Town election or at a special election duly called and held for the purpose pursuant to the authority and in the manner prescribed by this Charter. However, the Board of Commissioners shall be required to submit any bond issue to referendum if, within ten (10) days after the first publication of a resolution authorizing any bond issue the Chairman of the Board of Commissioners shall be served with notice signed by not fewer than one hundred (100) of the registered voters of Bel Air advising that a petition for a referendum on such bond issue is being circulated by one or more of the persons signing said notice, and if, within thirty (30) days after the first publication of a fair summary of the resolution, there shall be filed with the Chairman of the Board of Commissioners a petition or petitions requesting such a referendum signed by not fewer than twenty per cent (20%) of the registered voters of the Town. Upon the filing of any such notice or petition, the Chairman of the Board of Commissioners shall promptly submit the same to the Board of Election Judges for the purpose of determining whether said notice or petition has been properly signed as herein provided.

8. *Buildings.*

a. To make reasonable regulation in regard to buildings and signs to be erected, constructed, or reconstructed in the Town, and to grant building permits for the same; to formulate or adopt codes which may include, but are not limited to, building, plumbing, fire, safety, electrical, and such other codes as may be necessary to promote, protect, and preserve the public health, safety, and welfare of the citizens of Bel Air.

b. To appoint building, plumbing, fire, safety, electrical, and other such inspectors as may be necessary to promote, protect and preserve the public health, safety and welfare.

c. To require reasonable charges for permits and inspections; to authorize and require the inspection of all buildings and structures; and to authorize the condemnation thereof in whole or in part when dangerous or insecure, and to require that such buildings and structures be made safe or be taken down.

9. *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

10. *Cooperative Activities.* To make arrangements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance or for cooperation in the performance of any governmental functions.

11. *Community Services.* To provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare and enlightenment of the inhabitants of the Town.

12. *Dangerous Improvements.* To compel persons about to undertake dangerous improvements to execute bonds with sufficient sureties so conditioned that the owner or contractor will pay all damages resulting from such work which may be sustained by any persons or property.

13. *Explosives.* To regulate or prevent the storage of gunpowder, oil, or any other explosive or combustible matter or nuclear materials or devices; to regulate or prevent the use of firearms, fireworks, bonfires, explosives, or any other similar things which may endanger persons or property.

14. *Filth.* To compel the owner or occupant of any real property or building situated in the Town, when the same has become filthy or unwholesome, to abate or cleanse the condition; and after reasonable notice to the owners or occupants to authorize such work to be done by the proper officers and to assess the expense thereof against such property, making it collectible by taxes or against the occupant or occupants.

15. *Finances.* To levy, assess, and collect ad valorem property taxes; to expend municipal funds for any public purposes; to have general management and control of the finances of the Town; to appropriate municipal monies for any purpose within the powers of the Board of Commissioners; to borrow money in accordance with the provisions of this Charter.

16. *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a fire department and fire protection and fire prevention system; to contribute funds to volunteer fire companies serving the Town; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards, and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of Town fire-hazard

regulations are met; to install and maintain fire plugs where and as necessary, and to regulate their use; and to take all other measures necessary to control and prevent fires in the Town.

17. *Food.* To inspect food products and to require their condemnation, if unwholesome, and to regulate their sale.

18. *Franchises.* To grant and regulate franchises to water companies, electric light companies, gas companies, telegraph, cable television, telephone companies, transit companies, taxicab companies, and any others which may be deemed advantageous and beneficial to the Town, subject, however, to the limitations and provisions of the Laws of Maryland. No franchise shall be granted for a longer period than fifty (50) years.

19. *Gambling.* To restrain and prohibit gambling.

20. *Garbage.* To prevent the deposit of any unwholesome substance either on private or public property, and to compel its removal to designated points; to require slops, garbage, ashes, and other waste or other unwholesome materials to be removed to designated points, or to require the occupants of the premises to place them conveniently for removal.

21. *Grants-in-Aid.* To accept gifts and grants of funds from the Federal, State or county governments, or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made.

22. *Hawkers.* To license, tax, regulate, suppress, and prohibit hawkers and itinerant dealers, peddlers, pawnbrokers, and all other persons selling any articles on the streets of the Town, and to revoke such licenses for cause.

23. *Health.* To protect and preserve the health of the Town and its inhabitants; to appoint a public health officer, and to define and regulate his powers and duties; to prevent the introduction of contagious diseases into the Town; to establish quarantine regulations, and to authorize the removal and confinement of persons having contagious or infectious diseases; to prevent and remove all nuisances; to inspect, regulate, and abate any buildings, structures or places which cause or may cause unsanitary conditions or conditions detrimental to health; that nothing herein shall be construed to affect in any manner any of the powers and duties of the State Board of Health and Mental Hygiene and the Health Officer of Harford County, or any public, general, or local law relating to the subject of health.

24. *House Numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same to be visible from the street or public way or in default thereof to authorize and require the same to be done by the Town at the owner's expense, such expense to constitute a lien upon the property collectible as tax monies.

25. *Jail.* To establish and regulate a station house or lock-up for temporary confinement of violators of the laws and ordinances of the Town or to use the County Jail for such purposes.

26. *Licenses.* Subject to any restrictions imposed by the public general laws of the State, to license and regulate all persons beginning or conducting transient or permanent business in the Town for the sale of any goods, wares, merchandise, or services, to license and regulate any business, occupation, trade, calling, or place of amusement or business; to establish and collect fees and charges for all licenses and permits issued under the authority of this Charter.

27. *Liens.* To provide that any valid charges, taxes, or assessments of the Town, made against any real property within the Town shall be liens upon such property, to be collected as municipal taxes are collected.

28. *Lights.* To provide for the lighting of the Town.

29. *Livestock.* To regulate and prohibit the running at large of cattle, horses, swine, fowl, sheep, goats, dogs, or other animals; to authorize the impounding, keeping, sale, and redemption of such animals when found in violation of the ordinance in such cases provided.

30. *Markets.* To obtain by lease or rent, own, construct, purchase, operate, and maintain public markets within the Town.

31. *Minor Privileges.* To regulate or prevent the use of public ways, sidewalks, and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements, and display of goods, wares, and merchandise.

32. *Noise.* To regulate or prohibit unreasonable ringing of bells, crying of goods, sounding of whistles and horns, or other disruptive or disturbing sounds.

33. *Nuisances.* To prevent or abate by appropriate ordinances all nuisances in the Town which are so defined at common law, by this Charter, or by the laws of the State of Maryland, whether the same be herein specifically named or not; to regulate, to prohibit, to control the location of, or to require the removal from the Town, of all trading in handling of or manufacture of any commodity which is or may become offensive, obnoxious or injurious to the public comfort or health. In this connection, the Town may regulate, prohibit, control the location of or require the removal from the Town of such things as stockyards, slaughterhouses, cattle or hog pens, tanneries and renderies. This listing is by way of enumeration, not limitation.

34. *Obstructions.* To remove all nuisances and obstructions from the streets, lanes and alleys and from any lots adjoining thereto, or any other places within the limits of the Town.

35. *Parking Facilities.* To license and regulate and to establish, obtain by purchase, by lease or by rent, own, construct, operate and maintain parking lots and other facilities for off-street parking.

36. *Parking Meters.* To install parking meters on the streets and public places of the Town in such places as they shall by ordinance determine, and by ordinance prescribe

rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Highway Administration of Maryland must first be approved by them.

37. *Parks and Recreation.* To establish and maintain public parks, bicycle paths, gardens, playgrounds and other recreational facilities and programs to promote the health, welfare and enjoyment of the inhabitants of the Town.

38. *Police Force.* To establish, operate and maintain a police force. All regular, sworn police officers shall, within the municipality, have the powers and authority of “Law Enforcement” officers as defined in the Annotated Code of Maryland. In addition, the Chief of Police has the authority to assign and discipline members of the police force.

39. *Police Powers.*

a. *Sworn Officers.*

To prohibit, suppress and punish within the Town all vice, gambling and games of chance; prostitution and solicitation thereof; common nuisances; all disorders, disturbances, annoyances, disorderly conduct, obscenity, public profanity and drunkenness.

b. *Auxiliary Police and Non-Sworn Members of the Police Department.*

The Chief of Police has the authority to designate non-sworn and auxiliary police officers as “special enforcement officers”. The Chief of Police may assign “special enforcement” duties to the auxiliary police and the non-sworn members of the Police Department, which may include, but are not limited to:

1. Issuance of municipal infractions and parking violations.
2. Traffic control and crowd control at public events and at intersections within the Town limits.
3. Rendering emergency services during natural disasters, floods, snowstorms and searches for missing persons.
4. Assisting in the performance of administrative duties, such as collecting fines and dispatching police response.

c. The Chief of Police may assign special enforcement duties to volunteers, such as Explorer Post members and parade marshals, which may include, but are not limited to:

1. Traffic control and crowd control at public events and at intersections within the Town limits.

2. Rendering emergency services during natural disasters, floods, snowstorms and searches for missing persons.

3. Assisting in the performance of administrative duties, such as collecting fines and dispatching police response.

40. *Town Property.*

a. *Acquisition, Possession and Disposal.*

The Board of Commissioners may acquire real, personal or mixed property within the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation or otherwise and may sell, lease or otherwise dispose of any property belonging to the Town. All municipal property, funds and franchises of every kind belonging to or in the possession of the Town (by whatever prior name known) at the time this Charter becomes effective are vested in the Town, subject to the terms and conditions thereof.

b. *Condemnation.*

The Board of Commissioners shall have the power to condemn property of any kind, or interest therein, or franchise connected therewith, in fee or as in easement within the corporate limits of the Town for a public purpose. Any activity, project or improvement authorized by the provisions of this Charter or any other State law applicable to the Town shall be deemed to be public purpose. The manner of procedure in case of any condemnation proceedings shall be that established by the laws of Maryland.

c. *Town Buildings.*

The Board of Commissioners shall have the power to acquire, to obtain by lease or rent, to purchase, construct, operate and maintain all buildings and structures it deems necessary for the operation of the Town Government.

d. *Protection of Town Property.*

The Board of Commissioners shall have the power to do whatever may be necessary to protect Town property and to keep all Town property in good condition.

41. *Public Utilities.* To construct or provide for the construction and maintenance of public utilities if necessary, but not limited to, water, sewer, gas and electrical services for the citizens of Bel Air and to exercise those powers with regard to water and sewer systems and services granted to the Town by laws of Maryland.

42. *Quarantine.* To establish quarantine regulations to the interests of the public health.

43. *Refuse and Recyclables Collection.* To acquire, regulate or provide for the collection, removal and disposal of refuse, garbage, rubbish, filth, recyclable products or any other matter or thing that is or may become injurious to the health or comfort of the inhabitants of the Town. Whenever such requirements shall not be met, the Town shall arrange for the necessary work to be done and any expenses incident thereto shall become a lien upon the property.

44. *Regulations.* To adopt by ordinance and enforce within the corporate limits police, health, sanitary, fire, building, plumbing, traffic, speed, parking, land use and other similar regulations not in conflict with the laws of the State of Maryland or with this Charter.

45. *Revenue Bonds.* The Board of Commissioners shall have the power to issue and sell revenue bonds for any proper public purpose prescribed by and pursuant to the Laws of Maryland whether now existing or hereafter enacted in any manner prescribed by and pursuant to such laws.

46. *Sidewalks: Powers.* The Board of Commissioners shall have the Power:

a. To establish, regulate and change from time to time the grade lines, width and construction materials of any sidewalk or part thereof on Town property along any public way or part thereof.

b. To grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter sidewalks on Town property along any public way or part thereof.

c. To require that the owners of any property abutting on a sidewalk keep the sidewalk clear of all ice, snow and other obstructions.

d. To require and order the owner of any property abutting on any public way in the Town to perform any projects authorized by this Section at the owner's expense according to reasonable plans and specifications. If, after due notice, the owner fails to comply with the order within a reasonable time, the Board of Commissioners may cause the work to be done and the expense shall be a lien on the property and shall be collectible in the same manner as are Town taxes or by suit at law.

47. *Streets: Public Ways.*

a. *Control of Public Ways.*

The Board of Commissioners shall have control of all public ways in the Town including streets, avenues, roads, highways, public thoroughfares, lanes and alleys, except such as may be under the jurisdiction of the Maryland State Highway Administration. Subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate and maintain in good condition the public ways of the Town.

b. *Public Ways: Powers.*

The Board of Commissioners shall have the power:

1. To establish, regulate and change from time to time the grade lines, width and construction materials of any Town public way or part thereof, bridge[,] curbs and gutters.
2. To grade, layout, construct, open, extend and make new Town public ways.
3. To grade, straighten, widen, alter, improve or close up any existing Town public way or part thereof.
4. To pave, surface, repave or resurface any Town public way or part thereof.
5. To install, construct, reconstruct, repair and maintain curbs or gutters along any Town public way or part thereof.
6. To construct, reconstruct, maintain and repair bridges.
7. To name Town public ways.
8. To have surveys, plans, specifications and estimates made for any of the above activities or projects or parts thereof.

c. *Public Ways: Damages, Benefits.*

Whenever the Board of Commissioners shall deem it necessary that any street, alley, road or sidewalk within the limits of the said Town shall be opened, widened, narrowed, straightened, drained, paved, repaired, extended or closed, in whole or in part, the full value of all private property required and taken for such use, together with the damage to the remaining property of the respective owners, shall be assessed by the Board of Commissioners, on a day named in the ordinance authorizing said improvements, of which the five (5) days' notice, either by personal service or registered letter; the said Board of Commissioners, at the time it accesses the aforementioned values and damages, shall also ascertain and determine what amount of special benefits, if any, will accrue to the remaining property of the owners of the land so taken adjacent to where said improvements are to be made, but in no case shall said benefits exceed the value of the land so taken; after determining the value of the land of the respective property owners so taken and the special benefits, if any, to accrue, as aforesaid, which decision as to the values and the amount offered shall be recorded among the records of the Town of Bel Air by the Clerk. If the owner or owners of any land so taken shall be aggrieved by such action of the Board of Commissioners, such owner or owners shall be entitled to an appeal at any time within ten (10) days after the decision of the Board of Commissioners shall be recorded as aforesaid, and a copy thereof served upon such property

owner or owners either by personal service or by registered letter; such appeal shall be to the Circuit Court for Harford County.

48. *Special Assessments.*

a. *Power: Special Assessments.*

The Board of Commissioners shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the installation or construction, of water mains, water storage or treatment facilities, sanitary and/or storm sewers, bridges, curbs and gutters and by the construction and paving of public ways and sidewalks or parts thereof, and to provide for the payment of all or any part of the above projects out of the proceeds of such special assessment. The cost of any project to be paid in whole or in part by special assessments may include the direct cost thereof, the cost of any land acquired for the project, the interest on bonds, notes or other evidences of indebtedness issued in anticipation of the collection of special assessments, a reasonable charge for the services of the administrative staff of the Town, and any other item of cost which may reasonably be attributed to the project.

b. *Procedure.*

The procedure for special assessment, wherever authorized in this Charter, shall be as follows:

1. The cost of the project being charged for shall be assessed according to the front foot rule or apportionment or some other equitable basis determined by the Board of Commissioners.

2. The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the Town and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the assessed value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

3. When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

4. All special assessment charges shall be levied by the Board of Commissioners by ordinance. Before levying any special assessment charges, the Board of Commissioners shall hold a public hearing. The Treasurer shall cause notice to be given stating the nature and extent of the proposed project, the kind of materials to be used, the estimated cost of the project, the portion of the cost to be assessed, the number of installments in which the assessment may be paid, the method to be used in apportioning the cost, and the limits of the proposed area of assessment. The notice shall also state the time and place at which all persons interested, or their agents or attorneys, may appear before the Board of Commissioners and be

heard concerning the proposed project and special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property proposed to be assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the Town. The Treasurer shall present at the hearing a certificate that shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten and nor [not] more than thirty (30) days after the Treasurer shall have completed publication and service of notice as provided in this section. Following the hearing, the Board of Commissioners, in their discretion, may vote to proceed with the project and may levy the special assessment.

5. Any interested person feeling aggrieved by the levying of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Harford County within ten (10) days after the levying of any assessment by the Board of Commissioners.

6. Special assessments may be made payable in annual or more frequent installments over such period of time, not to exceed ten (10) years, and in such manner as the Board of Commissioners may determine. The Board of Commissioners shall determine on what date installments shall be due and payable. Interest may be charged on installments at the rate to be determined by the Board of Commissioners.

7. All special assessment installments shall be overdue six (6) months after the date on which they became due and payable. All special assessments shall be liens on the property and all overdue special assessments shall be collected in the same manner as Town taxes or by suit at law.

8. All special assessments shall be billed and collected by the Treasurer.

49. *Sweepings.* To regulate or prevent the throwing or depositing of sweepings, dust, ashes, offal, garbage, paper, leaves, grass, and handbills, dirty liquids or other unwholesome materials into any public way or onto any public or private property in the Town.

50. *Taxicabs.* To license, tax and regulate public hackmen, taxicab men, draymen, drivers, cabmen, porters and expressmen and all other persons pursuing like occupations.

51. *Voting Machines.* To purchase, lease, borrow, install and maintain voting machines for use in Town elections.

52. *Zoning.* To exercise the powers as to planning and zoning, conferred upon municipal corporations generally in Article 66B of the Annotated Code of Maryland, as amended from time to time subject, however, to the limitations and provisions of said Article.

53. *Saving Clause.* The enumeration of powers in this Section is not to be construed as limiting the powers of the Town to the several subjects mentioned.

54. *Exercise of Powers.* For the purpose of carrying out the powers granted in this subtitle or elsewhere in this Charter, the Board of Commissioners may pass all necessary ordinances. All the powers of the Town shall be exercised in the manner prescribed by this Charter, or if the manner be not prescribed by Charter, then in such manner as may be prescribed by ordinance. (Res. No. 107-01, 11-6-01; Res. No. 108-01, 11-6-01.)

ARTICLE V

Registration, Nominations and Elections

Section 501. Voters.

- a. Every person who meets all of the following qualifications may vote:
 1. is a citizen of the United States;
 2. is eighteen (18) years of age or older;
 3. beginning with the year 1999 and ending December 31, 1999, has resided within the Town of Bel Air for at least thirty days preceding any Town election or referendum;
 4. beginning January 1, 2000, and for any subsequent year prior to January 1, 2002, has resided within the Town of Bel Air for at least 24 days preceding any town election or referendum;
 5. begining [beginning] with January 1, 2002 and for all elections thereafter, has resided within the Town of Bel Air for at least 21 days preceding any town election or referendum;
 6. is not constitutionally regulated or prohibited by the Annotated Code of Maryland, Article 33, Section 3-102(b); and
 7. is a registered voter of the Town of Bel Air, for at least the same number of days as the applicable residency requirement as stated herein preceding any town election or referendum.
- b. Every registered voter of the Town who meets the qualifications under subsection (a) of this section shall be entitled to vote at any and all Town elections or referendums. (Res. No. 105-99, 8-10-99.)

Section 502. Elections and Referendums.

- a. Elections shall be held on the first Tuesday after the first Monday in November of every odd numbered year for the office of Commissioners. Special elections authorized by Section 307 or referendums specifically authorized by this Charter or under State law may be

held as required under the provisions of the Charter of [or] the State law, authorizing the special election or referendum.

b. The Board of Commissioners shall have the power to provide by ordinance for the conduct or registration, and elections and for the prevention of fraud in connection therewith and for a recount of ballots whenever necessary. No such ordinance shall be in any way inconsistent with any section of this Charter. (Res. No. 112-03, 1-20-04.)

Section 503. Board of Election Judges.

a. *Appointment and Term of Office.*

There shall be on a [be a] Board of Election Judges, consisting of three (3) members who shall be appointed by the Board of Commissioners on or before the first Monday in October in every second even numbered year. The terms of the Election Judges shall begin on the first Monday in October in the year in which they are appointed and shall run for four (4) years. Each Election Judge shall be a registered voter of the Town and shall not hold or be a candidate for any elective office during this term of office. The Board of Election Judges shall appoint one of its members as Chairman. A vacancy on the Board shall be filled by the Board of Commissioners for the remainder of any unexpired term. The compensation of the Election Judges shall be determined by the Board of Commissioners.

b. *Removal.*

Any Election Judge may be removed for good cause by the Board of Commissioners. Before removal, any Election Judge shall be given a written notice of the charges against him and shall be entitled to a public hearing upon request before the Board of Commissioners within ten (10) days after receiving such notice.

c. *Duties.*

The Board of Election Judges shall be in charge of the registration of voters, nomination procedures, and all Town elections. The Board may appoint an election clerk or other Election Official to assist in any of its duties but no salary, expense, or other compensation shall be paid to such appointees except as provided by the Board of Commissioners.

d. *Appeal.*

If any person shall feel aggrieved by the action of the Board of Election Judges in refusing to register or in striking off the name of any person, or by any other action, such person may appeal to the Board of Commissioners. Any decision or action of the Board of Commissioners upon appeals may be appealed to the Circuit Court of Harford County within thirty (30) days of the decision or action of the Board of Commissioners.

Section 504. Referendum.

Wherever the right of referendum is provided in this Charter it shall be exercised in accordance with the following procedures:

a. No resolution subject to referendum shall become effective at any time before forty-one days from date of its passage and the effect of any ordinance subject to referendum may be suspended if petitioned to referendum at any time during the forty day period following its enactment. No ordinance shall become effective if a petition for referendum requesting that the ordinance or proposed resolution or Charter amendment subject to referendum be submitted to the voters of the Town, signed by ten percent (10%) or more of the persons who are qualified to vote in the Town elections, be received by the twentieth (20th) day following the passage of the ordinance or proposed resolution or Charter amendment. In order to initiate a referendum a petition for referendum meeting the requirements of subsection (b) must be presented to the Board of Commissioners within, on or before the fortieth day after a resolution or an ordinance is passed.

b. A petition for referendum shall be signed by twenty percent (20%) or more of the persons who are qualified to vote in Town elections and shall request that the ordinance or proposed resolution or Charter amendment subject to referendum be submitted to the voters of the Town. Each person signing the petition shall indicate thereon both their name and residence address. Upon receiving a petition for referendum, the Board of Commissioners shall direct that the Board of Election Judges or its appointed agent verify that all persons who circulated and/or signed the petition are registered to vote in Town elections, and shall consider the petition as of no effect if it is signed by fewer than twenty percent (20%) of the persons who are registered to vote in the Town.

c. If the petition for referendum complies with the requirements of subsection (b), the Board of Commissioners shall by ordinary resolution specify the day and the hours for the election at which the question shall be submitted to the voters at a regular Town election or at a special election in the discretion of the Board. In the event a special election is designated, it shall be held within a period of not less than forty-five (45) days nor more than sixty (60) days after the passage of the resolution, providing for the referendum. The resolution providing for the referendum shall specify the exact wording which is to be placed on the ballots or voting machines when the question is submitted to the voters of the Town.

ARTICLE VI

Town Administrator

Section 601. Position Created, Appointment, Removal and Compensation.

The position of Town Administrator for the Town of Bel Air, Maryland is hereby created. The Town Administrator shall be appointed by a majority vote of the Board of Commissioners for an indefinite term and shall serve at the pleasure of the Board of Commissioners. The Town

Administrator shall be chosen on the basis of education or experience in administration, organization, finance, and planning with special reference to his knowledge and experience in municipal government and in the accepted practices of the duties of the office hereinafter set forth.

The Town Administrator may be removed from office by majority vote of the entire Board of Commissioners. The Board of Commissioners shall give the Town Administrator at least thirty (30) days notice of the expiration of his appointment. The action of the Board of Commissioners in removing the Town Administrator shall be final.

The Town Administrator shall receive such compensation as the Board of Commissioners shall prescribe.

Section 602. Duties and Responsibilities of Town Administrator.

The duties and responsibilities of Town Administrator include the following:

a. The Town Administrator shall direct and supervise the administration of all departments, offices and agencies of the Town, including the Police Department, the Department of Public Works, the Department of Finance, Department of Planning, Town Clerk and Department of Administration, and to further include such departments and agencies which the Board of Commissioners places under the Town Administrator's supervision. In addition to the Town Administrator there shall be department heads authorized under Section 901 Article IX of this Charter. However, one individual may serve as head of more than one department if the Board of Commissioners shall so provide.

b. The Town Administrator shall, with the approval of the Board of Commissioners, appoint, suspend or remove any Town department head for sufficient cause, and shall have the authority to recommend and submit for approval to the Board of Commissioners the establishment or abolition of departmental agencies of the government of Bel Air.

c. The Town Administrator shall appoint and as deemed necessary in the best interest of the Town, suspend or remove any employee, other than a department head, for sufficient cause. The Town Administrator may authorize any department head to exercise these powers with respect to subordinates in an individual department as provided for in the personnel rules of the Town.

d. The Town Administrator shall see that all laws, provisions of the Town Charter, and acts of the Board of Commissioners are faithfully executed.

e. The Town Administrator shall attend all public meetings of the Board of Commissioners and shall have the right to act in an advisory capacity at such meetings but may not vote.

f. The Town Administrator shall be the Chief Financial Officer of the Town and may serve in the capacity of Treasurer. The Town Administrator shall prepare and submit to the

Board of Commissioners a proposed budget in accordance with the provisions of Article VII, Section 702(a).

g. The Town Administrator shall undertake such research and make reports and recommendations as the Board of Commissioners may direct or which the Town Administrator deems desirable and in the best interests of the Town of Bel Air.

h. The Town Administrator shall keep the Board of Commissioners fully informed as to the financial condition and future needs of the Town and shall submit to the Board of Commissioners an annual report on the finances and administrative activities of the Town at the end of each fiscal year.

i. The Town Administrator shall purchase materials, equipment, supplies and services when not in excess of the dollar amount prescribed by the Board of Commissioners. The Board of Commissioners shall have the power to provide by policy for rules and regulations regarding purchasing procedures such as the use of competitive bids. All contracts involving professional services such as accounting, architecture, auditing, engineering, law, planning, and surveying need not be on a bid basis; they may be negotiated by the Town Administrator or, a duly authorized representative and approved by the Board of Commissioners.

j. The Town Administrator shall make such other reports as the Board of Commissioners may require concerning the operations of various departments, offices, and agencies subject to the Town Administrator's direction and supervision and shall perform such other public duties as are directed by the Board of Commissioners.

ARTICLE VII

Budget

Section 701. Fiscal Year.

The fiscal year of the Town shall begin on the first day of July and shall end on the last day of June in each year. Such fiscal year shall constitute the tax year, the budget year, and the accounting year.

Section 702. The Budget.

a. *Budget Submitted.*

The Town Administrator, on such date as the Board of Commissioners shall determine, but by at least the first meeting in April, shall submit a budget to the Board of Commissioners. The budget shall provide a complete financial plan for that fiscal year and shall contain estimates of anticipated revenues from sources other than taxes to be levied on real and personal property, an estimate of the assessable value of real and personal property subject to taxation by the Town and a tentative tax rate so computed thereon that the total revenue from all sources, other than

special assessments, shall be equal to the total of the proposed expenditures other than expenditures to be recovered by special assessments.

b. *Tentative Budget.*

The Board of Commissioners may insert new budget items, delete items, and increase or decrease the items of the budget so presented. The Board of Commissioners shall then adopt a tentative budget which shall be adopted no later than the second Town meeting in April. The tentative budget shall be a public record of the office of the Director of Finance, open to public inspection by any resident or taxpayer of the Town of Bel Air during normal business hours.

c. *Hearings.*

Before adopting the final budget, the Board of Commissioners shall hold a public hearing on the tentative budget between the fifteenth (15th) and thirty-first (31st) day of May after two weeks notice thereof has been published in some newspaper or newspapers with a general circulation within the Town.

d. *Final Budget.*

After the public hearing, the Board of Commissioners may insert new items or may increase or decrease or delete any item of the budget. Where the Board shall increase the total proposed expenditures, it shall also increase the total anticipated revenue in an amount at least equal to such proposed expenditures other than expenditures to be recovered by special assessments.

The final budget for each fiscal year shall be prepared and adopted in the form of a budget resolution on or before the first day of June to become effective on the first day of July of such fiscal year. The favorable vote of at least a majority of the Board shall be necessary for the adoption of the final budget.

e. *Special Assessment Budget Item for Cost of Construction and Improvements.*

At the time the Town Administrator is required to submit a budget to the Board of Commissioners, the Town Administrator shall also submit to the Board of Commissioners as a separate budget item a complete estimate of the cost of construction and improvements proposed for the budget year for which a special assessment can legally be levied and the estimated receipts from special assessments. In such budget items anticipated receipts shall be first applied to amortization of indebtedness incurred for construction and improvements made under this item in previous budgets and then anticipated receipt [receipts] remaining shall be applied to the estimated cost of construction and improvements to be made under this item in the proposed budget. Any deficit shall be met by borrowing as follows: by loan from an amount appropriated in the general section of the budget with interest at a rate to be determined by the Board of Commissioners but not to exceed eight per centum (8%) per annum on the unpaid balance, or by a loan made on certificates of indebtedness, or bonds issued on the full faith and credit of the Town of Bel Air.

The Town of Bel Air may issue certificates of indebtedness or bonds issued on the full faith and credit of the Town of Bel Air from time to time to provide working capital under the special assessment budget item.

All costs of any construction or improvements (including interest on any sums borrowed from whatever source) provided for by the special assessment budget item shall be covered by a special assessment levied against the property thereby affected at a rate sufficient to repay the costs over such period as the Board of Commissioners may elect, not however to exceed ten (10) years.

Section 703. Appropriations Required.

No public money may be expended without having been appropriated by the Board of Commissioners. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall become appropriated to the several objects and purposes named therein.

Section 704. Transfers.

Any transfer of funds by the Town Administrator between appropriations for different purposes shall be approved by a majority of the Board of Commissioners before becoming effective.

Section 705. Excess Expenditures.

No officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involved the expenditure of money for any purchase, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of the Charter of Bel Air shall be null and void. Nothing in this Section contained, however, shall prevent the making of a contract or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract or spending is permitted by law.

Section 706. Lapsed Appropriations.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered funds shall be considered a surplus at the end of the budget year and all or part thereof may be included among the anticipated revenues for the next succeeding budget year or retained as a contingent fund, at the discretion of the Board of Commissioners.

ARTICLE VIII Taxation

Section 801. Taxes.

The taxable basis for the Town of Bel Air for the purpose of levying of Town Taxes shall be the same as the basis for state and county taxes on all real property and all tangible personal property within the corporate limits of the Town. On all Town taxes the Board of Commissioners may allow such discounts for payments made prior to October 1 in each year, and may impose and collect after October 1 in each year such penalties for failure to make payment by or after that day as prior to the date of finality may have been fixed by their resolution. The Director of Finance shall extend the initial discount for a period of thirty (30) days after the preparation of the tax bills by the Finance Department when the preparation of tax bills for taxes levied or assessments made by the assessment officials of Harford County has been delayed because of the unavailability of assessment information from said assessment officials and when the delay in preparation of such tax bills has not been occasioned by the misfeasance or malfeasance of the Board of Commissioners, officers, or employees of the Town of Bel Air. The Director of Finance shall prepare tax bills on such delayed assessment information within fifteen (15) days after such information is available. Taxes levied upon assessments made by the Maryland Department of Assessments and Taxation shall be due and payable as provided by laws of Maryland and shall bear interest as therein provided and shall not be subject to the discounts and penalties hereinbefore provided in this section in the case of taxes levied on assessments made by the assessment officials of Harford County. All property within the corporate limits of said Town shall be exempt from taxation by Harford County for public road and bridge purposes.

Section 802. Notice of Tax Levy.

The Director of Finance shall, as soon as the annual levy is made, give notice thereof by advertisement in one or more newspapers published in the Town of Bel Air, stating the discounts allowed and the date from which taxes bear interest and warning taxpayers of their liability to be published as delinquents and to have their property sold if taxes are not paid as required by law. The Director of Finance shall also immediately make out the bill of each taxpayer upon which a similar notice shall be printed, and shall forward said bill to the taxpayer if the said taxpayer's address is known.

Section 803. Date of Payment and Overdue Payment of Taxes.

Real Property Taxes/Annual. The taxes provided for in Section 801 of this Charter shall be due and payable on the first day of July in the year for which they are levied and shall be overdue and in arrears on the first day of the following October. They shall bear interest while in arrears at the rate prescribed by State law.

Real Property Taxes/Semiannual. The taxes provided for in Section 801 of this Charter shall be due and payable on the first day of July and the first day of January in the year for which they are levied and shall be overdue and in arrears at the rate prescribed by State law. The second semiannual payment will reflect a service charge, which the law allows the Town to impose, for

administering the semiannual payment plan. The service charge is designed to cover any interest lost by the Town as well as administrative costs. The service charge percentage shall be adopted by the Town as part of adoption of the property tax rate.

Personal Property Taxes. The personal property taxes provided for in Section 801 of this Charter shall be due and payable thirty (30) days after the date they are billed. All taxes not paid within ninety (90) days of the date they are billed shall be overdue and in arrears. They shall bear interest while in arrears at the rate prescribed by State law until paid.

Section 804. Report of Tax Collections.

By the 15th day of each month, the Director of Finance shall prepare a report of revenues and expenditures for the preceding month. This report should include information which will indicate for each budget line item: the budgeted amount, the year to date actual receipts and expenditures and the difference between the two.

Section 805. Sale of Tax Delinquent Property.

Taxes shall become delinquent on the first day of April in the next preceding calendar year nine (9) months after they have been levied. A list of all property on which the Town taxes have not been paid and which are in arrears as provided by Section 801 of the Charter shall be turned over by the Director of Finance to the official of the County responsible for the sale of tax delinquent property as provided in State law on the first Monday in April of each year. All property listed thereon shall, if necessary, be sold for taxes by the County official or by the Director of Finance of Bel Air in the manner prescribed by State law. If the county tax collector has not instituted procedures as prescribed by the laws of Maryland within thirty (30) days of receipt of said list or [of] properties the Director of Finance of Bel Air shall institute said procedures immediately so that tax sale might be had under the provisions of said laws of Maryland on the third (3rd) Monday in June at such time and place as may be fixed by resolution of the Board of Commissioners.

Section 806. Tax Credit for Bel Air Volunteer Fire Company, Inc. Members.

For the fiscal year beginning on July 1, 2001, and for each fiscal year thereafter, each member of the Bel Air Volunteer Fire Company, Inc., (the "fire company") who owns and occupies, as a principal residence, a property within the Town limits, shall be given a tax credit computed on the first five thousand dollars (\$5,000) of the assessed value of that principal residence, as certified by the Maryland State Department of Assessments and Taxation. Each qualifying member shall be certified to the Director of Finance by the Secretary of the fire company as a bona fide and active member thereof. Such credit shall in no way deprive said bona fide and active member of the fire company from the right of franchise in Town elections, provided said member has all the other requirements to be a qualified voter. (Res. No. 106-01, 11-6-01.)

ARTICLE IX

Personnel

Section 901. Departments of the Town.

There shall be a Police Department, a Department of Public Works, a Department of Finance, a Department of Planning, a Department of Administration and a Town Clerk along with such other departments as may be created by the Board of Commissioners. One individual may serve as head of more than one department if the Board of Commissioners shall so provide.

Section 902. Town Attorney.

The Board of Commissioners may appoint a Town Attorney. The Town Attorney shall be a member of the bar of the Maryland Court of Appeals. The Town Attorney shall be the legal advisor of the Town and shall perform such duties in this connection as may be required by the Board of Commissioners with compensation to be determined by the Board of Commissioners. The Board of Commissioners shall have the power to employ such legal consultants as it deems necessary from time to time.

Section 903. Retirement System.

The Board of Commissioners shall have the power to do all things necessary to include its officers and employees, or any of them, within any retirement system or pension system under the terms of which they are admissible, and to pay the employer's share of the cost of any such retirement or pension system out of the general funds of the Town.

Section 904. Compensation of Employees.

The compensation of all officers and employees of the Town shall be set from time to time by resolution or ordinance passed by the Board of Commissioners subject to the restrictions imposed upon establishing the salaries of the Board of Commissioners.

Section 905. Employee Benefit Programs.

The Town is authorized and empowered, by resolution or ordinance to provide for or participate in hospitalization or other forms of benefit or welfare programs for its officers and employees, and to expend public monies of the Town for such programs.

Section 906. Merit System.

The Town may provide for appointments and promotions of all employees in the Town's service on the basis of merit and fitness. To carry out this purpose the Board of Commissioners may ratify such rules and regulations governing the operation of a merit system as proposed and recommended by the Town Administrator. Among other things these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a

compensation plan, a probation period, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations.

ARTICLE X

General Provisions

Section 1001. Official Bonds.

The Director of Finance and such other officers or employees of the Town as the Board of Commissioners or this Charter may require, shall give bond in such amount and with such surety as may be required by the Board of Commissioners. The premiums on such bonds shall be paid by the Town.

Section 1002. Liability for Damages, Written Notice Required.

Before the Town of Bel Air shall be liable for damages of any kind, the claimant or someone on the claimant's behalf, must give the Director of Administration notice in writing of the injury to person or property within one (1) year after the injury that is the basis of the claim. In accordance with the Maryland Tort Claims Act, as amended from time to time, the claim must state the nature of the claim, including the date and place of the alleged injury, demand specific damages, and state the name and address of each party.

Section 1003. Prior Rights and Obligations.

All right, title, and interest held by the Town or any other person or corporation at the time this Charter is adopted, in and to any lien acquired under any prior Charter of the Town, are hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair, or release any contract, obligation, duty, liability, or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending, or which may hereafter be instituted for causes of action now existing or offense already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with, and prosecuted to final determination and judgment as if this Charter had not become effective.

Section 1004. Enforcement and Penalties.

a. To insure the observance of the ordinances and resolutions of the Town, the Board of Town Commissioners has the power to provide that violation thereof shall be a misdemeanor, unless otherwise specified a municipal infraction, and has the power to affix thereto the penalties and fines, as established by State law. After a public hearing is held by the Board of Town Commissioners, the Town may adopt such penalties and fines by resolution.

b. The Board of Commissioners may provide that violations of any ordinance or resolution shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State or other ordinance or resolution. For purposes of this

Section a municipal infraction is a civil offense, the limits of which shall be established by State law.

The Board of Commissioners may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

Adjudication of a municipal infraction is not a criminal conviction for any purpose, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction. (Res. No. 121-08, 6-10-08, See Note (2).)

Section 1005. Effect of Charter on Existing Ordinances.

All ordinances, resolutions, rules and regulations in effect in the Town at the time this Charter becomes effective which are not in conflict with the provisions of this Charter shall remain in effect until changed or repealed in accordance with provisions of authority granted in this Charter.

All ordinances, resolutions, rules, and regulations in effect in the Town at the time this Charter becomes effective which are in conflict with the provisions of this Charter be and the same hereby are repealed to the extent of such conflict.

APPENDIX I

Urban Renewal Authority For Slum Clearance

(See Note (1))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate, which, by reason of depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation, or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include –
- (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this sub-heading in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate

obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the Town of Bel Air.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in

furtherance thereof. The municipality is hereby granted the following additional powers which are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section.

(1) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to: (i) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (ii) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements; and (iii) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(2) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government;

(3) to appropriate such funds and made [make] such expenditures as may be necessary to carry out the purposes of this appendix, including the payment or reimbursement of reasonable actual costs incurred as a result of utility relocations when such relocations are made necessary by an urban renewal project, after making appropriate adjustment for any improvements or betterments to the utility's facilities made in connection with the relocation; and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefor; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[:]

(4) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(5) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreement with any other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban

renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(6) to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(7) to plan, replan, install, construct, reconstruct, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project; and to make exceptions from building regulations;

(8) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved;

(9) to exercise all or any part or combination of powers herein granted.

Section A1-103. Establishment of Urban Renewal Agency.

The municipality may itself exercise all the powers granted by this appendix or may, if its legislative body by ordinance determines such action to be in the public interest, elect to have such powers exercised by a separate public body or agency as hereinafter provided. In the event said legislative body makes such determination, it shall proceed by ordinance to establish a public body or agency to undertake in the municipality the activities authorized by this appendix. Such ordinance shall include provisions establishing the number of members of such public body or agency, the manner of their appointment and removal, the terms of said members and their compensation. The ordinance may include such additional provisions relating to the organization of said public body or agency as may be necessary. In the event the legislative body enacts such an ordinance, all of the powers by this appendix granted to the municipality shall, from the effective date of said ordinance, be vested in the public body or agency thereby established, except:

(1) The power to pass a resolution to initiate an urban renewal project pursuant to Section A1-104 of this appendix.

(2) The power to issue general obligation bonds pursuant to Section A1-109 of this appendix.

(3) The power to appropriate funds, and to levy taxes and assessments pursuant to Section A1-102(3) of this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the legislative body of the municipality shall adopt a resolution which

- (1) finds that one or more slum or blighted areas exist in such municipality;
- (2) locates and defines the said slum or blighted areas;
- (3) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

(a) The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the municipality shall submit such plan to the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan for review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

(b) An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of real property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality as in the case of an original plan.

(c) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer real property or any interest therein acquired for it by an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted area or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this appendix. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall

state that proposals shall be made by those interested within a specified period of not less than sixty days after the first day of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposal to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this appendix. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain real property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of sub-section (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchaser, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Code.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorizations of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality.

Section A1-110. Revenue Bonds.

(a) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have the power to issue revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland (1957 Edition, as amended). Bonds issued under the provisions of this Article are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the legislative body of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this appendix shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this appendix shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this appendix or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

(g) All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-111. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of the appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1–112. Short Title.

This Act shall be known and may be cited as the Bel Air Urban Renewal Authority for Slum Clearance Act.

Section A1–113. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the Town of Bel Air in Chapter 70 of the Acts of the General Assembly of 1963.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the Town of Bel Air appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

(2) Resolution 121-08, effective June 10, 2008, attempted to amend Section 1104 of the Town Charter. The Charter on file does not follow this numbering. However, the corresponding section in the Charter on file is Section 1004, and the amendment to Section 1004 is reflected accordingly.